


IMFR

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 10, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to
disposition of County
surplus property


Robert A. Ginsburg
County Attorney

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MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: November 30, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(C)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(C)
11-30-04

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-11.2.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO DISPOSITION OF COUNTY SURPLUS PROPERTY; CREATING EXCEPTION FOR DONATION OF PROPERTY FOR EMERGENCY AND HUMANITARIAN REASONS WITHIN THE STATE OF FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Florida has suffered the wrath of four Hurricanes in the 2004 Hurricane season; and

WHEREAS, this Board recognizes that it is in the best interest of Miami-Dade County to aid fellow Florida counties in recovery efforts due to hurricane disaster,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-11.2.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec 2-11.2.1

(a) *Definitions.* For the purposes of this section, the following definitions shall be effective:

(1) *Surplus Property* shall mean property classified as surplus pursuant to Section 274.05, Florida Statutes.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(2) *Property* means all tangible personal property owned by Miami-Dade County of a nonconsumable nature.

(3) *Eligible community based organization* means a not-for-profit agency, group, organization society, association, corporation, partnership, or individual that provides a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community that have special needs. An eligible community based organization shall be tax exempt under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1954 and otherwise be a qualified recipient of surplus property pursuant to Section 274.05, Florida Statutes.

>>(4) Governmental Unit means the governing board, commission or authority of a county or taxing district of the state of Florida or the sheriff of a county.<<

(b) *Sale, donation or other disposition of surplus property.* To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section. Within the reasonable exercise of its discretion and having consideration for the best interests of the County, the value and condition of the surplus property, and the probability of such property being desired by the prospective bidder to whom offered, the County shall offer surplus property in the following order of preference: first, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County departments and agencies at no cost for use in Miami-Dade County. The County shall thereafter offer such surplus property by sale or donation to other governmental units located within Miami-Dade County for use in Miami-Dade County or shall have the discretion to offer the property to eligible community based organizations by sale or donation. Any surplus property not accepted by the Parks and Recreation Department or by other County departments or agencies and which is determined to be without commercial value shall be offered for sale or donation to eligible community based organizations ~~[[]]~~ >>or the County may in its discretion and if it is in the best interests of the County offer surplus property for sale or donation to other governmental units within the State of Florida only in the event of an emergency or in furtherance of

humanitarian efforts.<< The types of surplus property which shall be offered to the Parks and Recreation Department hereunder at no cost are: step vans (one (1) ton and up), dump trucks, trash trucks, buses, water trucks, tractor trailers, low boy trailers, flat bed trucks, bulldozers, front-end loaders, backhoes, road rollers, trenchers, chippers, graders, large four-wheel drive vehicles, farm tractors, root pruners, cranes, garbage trucks, boom trucks, bucket trucks and large riding lawn mowers. Surplus property to be offered to eligible community based organizations by sale or donation pursuant to this section must be intended to be used by such organization in Miami-Dade County. The offer shall disclose the value, condition, and intended use of the surplus property.

In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

MMC

Mariela Martinez-Cid

Sponsored by Commissioner Joe A. Martinez

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